

Mayor Patrick L. McCrory   Mayor Pro Tem Susan Burgess  
Michael Barnes   John W. Lassiter  
Nancy Carter   Don Lochman  
Andy Dulin   James E. Mitchell, Jr.  
Anthony Foxx   Patrick Mumford  
Patsy Kinsey   Warren Turner

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***CITY COUNCIL ZONING AGENDA***  
***Monday, February 19, 2007***

**5:00PM – Council/Manager Dinner**  
**Meeting Chamber Conference Room**

**6:00PM – Zoning Decisions/Hearings**  
**Meeting Chamber**

***DINNER MEETING***

- ***Review of Agenda – Keith MacVean***
- ***Follow-Up Report – Keith MacVean***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://www.rezoning.org)**

## ***DECISIONS***

1. **Petition No. 2005-92 (decision) by Providence Road Land Partners, LLC** for a change in zoning of approximately 3.07 acres located northwest of Hawthorne Lane and northeast of East 4<sup>th</sup> Street from B-2 to MUDD-O.

The Zoning Committee found this petition to be consistent with the *Central District Plan* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the following modifications:

- The maximum building height in Development Zone “A” has been clarified to be 260 feet.
- A modified Transportation Study will be submitted prior to the MUDD review process.
- There will be two driveways from 4<sup>th</sup> Street and one access to the parking deck must be from the alley connecting to Torrence Street.
- The standard note will be added that all driveways will be subject to further CDOT review at time of permitting.
- Storm water improvements have been added to the site plan.
- Signage has been modified to allow up to three 220-square foot signs on abutting public street for tenants over 20,000 square feet of floor area.
- A limit of 200 units has been placed on the ability to convert residential units to hotel rooms.
- Parking deck elevations have been improved.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 1

### **Deferral**

2. **Petition No. 2006-122 (decision) by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to revise the customary home occupation standards in a number of ways:

- It will limit the total square footage area of the customary home occupation to no more than 25% of the principal building, or 500 square feet, whichever is less. If a portion of a room is being used, the entire room will be measured, not just the portion.
- Areas used for storage of materials will be included in determining the percentage of the structure devoted to the customary home occupation.
- Existing home occupation permits will be grandfathered.
- Construction or landscaping equipment and materials are not permitted, with the exception of a single trailer with a cargo area/work platform not over 14’ in length, attached to a vehicle can be stored overnight, but no construction equipment can be stored on the trailer.
- No detached signs or wall signs are permitted.
- Clients shall be by appointment only.
- Hours of operation shall be between 7:00 am to 8:00 pm.
- Machinery that causes vibration, glare, fumes, odors, or dust are prohibited.

- Articles other than those made on the premise, may be sold through the customary home occupation.
- Examples of permitted and prohibited home occupations are listed.

The Zoning Committee recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

- Withdrawal**
3. **Petition No. 2006-137 (decision) by Gulf South Development** for a change in zoning of approximately 27.52 acres located on the north side of Hucks Road and northwest of the intersection of Hucks Road and Browne Road from R-3 to R-4(CD).

**Protest  
(withdrawn)**

*A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule, but subsequently withdrawn.*

The Zoning Committee found this petition to be consistent with the *North East District Plan* and the *General Development Policies* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

**Petitioner is requesting a withdrawal of this petition.**

Attachment 3

4. **Petition No. 2006-141 (decision) by Viscaya Randolph, LLC** for a change in zoning for approximately 8.6 acres located on the east side of Randolph Road between Shasta Lane and Wonderwood Drive from R-3 to UR-2(CD).

**Protest  
(sufficient)**

*A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.*

The Zoning Committee found this petition to be consistent with the *General Development Policies* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 4

5. **Petition No. 2006-156 (decision) by Fourth Ward** for a change in zoning of approximately 3.54 acres located on the northwest corner of North Graham Street and

West 8<sup>th</sup> Street from MUDD-O to MUDD-O SPA.

The Zoning Committee found this petition to be consistent with the *Fourth Ward Plan* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the following modification:

- The height along North Graham Street will be limited to 140-feet.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 5

6. **Petition No. 2006-157 (decision) by Harris, Murr and Vermillion, LLC** for a change in zoning of approximately 42.5 acres located on the south side of Sunset Road between Millhaven Lane and Statesville Road from B-1, B-1 SCD, B-2 and R-4 to CC.

The Zoning Committee found this petition to be consistent with the *North East District Plan* and the *General Development Policies* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the following modifications:

- The developer will contribute funds to the City towards the construction of the planned sidewalk along Millhaven if the sidewalk has not already been constructed by the City by time the shopping center is expanded. The sidewalk will be upgraded to a six-foot sidewalk and the funds adjusted accordingly.
- A 50 foot Class B buffer will be provided along the Millhaven frontage in the area south of the proposed main driveway entrance and extend that to connect with the 75 buffer in the rear. An alternative would extend the width to 75 feet by maintaining the existing tree cover and leaving this 75 foot width undisturbed. The open space area north of the Millhaven driveway will be a tree save area, which would include saving trees 4" or greater in caliper.
- The use of the B-2 area will be clarified and a potential vehicular connection will be provided if it can be worked out with the adjoining use.
- The internal sidewalk associated with out parcel 3 will be extended to connect with the perimeter sidewalk along Sunset Rd.
- The buildings on out parcels 3, 4 and 5 will orient towards the internal side of the shopping center (and the associated parking generally oriented to the outer side of the parcel) and will also depict the general relationship accordingly with a building/parking boundary/envelope.
- A note will be added committing to four-sided architecture on out parcels 3, 4 and 5.

- A note indicating compliance with the bicycle ordinance will be provided.

- The height of the proposed berms shown at the rear of the site will be a minimum of 5 feet in height with the further commitment to landscape/screen the top of the berms.
- Retail buildings 1-4 will include some outdoor plazas, open space, outdoor/bench seating, etc.

Staff agrees with the recommendation of the Zoning Committee.

#### Attachment 6

7. **Petition No. 2006-161 (decision) by Crosland, Inc.** for a change in zoning of approximately 8.4 acres located on Blakeney Professional Drive southwest of the intersection of Rea Road and Ardrey Kelly Road from O-1(CD) to O-1(CD)SPA.

The Zoning Committee found this petition to be consistent with the *South District Plan* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

#### Attachment 7

8. **Petition No. 2006-168 (decision) by Care III, LLC** for a change in zoning of approximately 2.48 acres located on the east side of E. W.T. Harris Boulevard, south of Hickory Grove Road from B-1(CD) to B-1(CD) SPA.

The Zoning Committee found this petition to be consistent with the *Eastside Strategy Plan* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the following modifications:

- The maximum allowable square footage has been capped at 40,000.
- The buffer width has been increased to reflect the whole shopping center site.
- The 20-foot setback will be measured from the future right-of-way.
- The future building and parking envelope has been labeled on the plan.
- Architectural guidelines for future buildings have been included.
- Restaurants with drive-thru windows have been excluded from the allowable uses.
- All lighting on the site will be fully shielded.

Staff agrees with the recommendation of the Zoning Committee.

#### Attachment 8

9. **Petition No. 2006-169 (decision) by Charlotte-Mecklenburg Planning Commission**

for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to refine the regulations for outdoor recreation facilities, by expanding the language to include service and maintenance facilities, golf courses, snack bars, pro shops, among others. The current prescribed conditions have been consolidated into one location (Chapter 12), and a table added to simplify the requirements.

The Zoning Committee found this petition to be consistent with the public plans and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 9

## Deferral

10. **Petition No. 2007-04 (decision) by Freedom House Church** for a change in zoning of approximately 26.63 acres located on the east side of Salome Church Road south of Mallard Creek Road from R-3 to INST(CD).

The Zoning Committee recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 10

11. **Petition No. 2007-07 (decision) by Anthony Hunt of Stonehunt Development** for a change in zoning of approximately 1.05 acres located on the northwest corner of Baxter Street and Avant Street from R-8 to UR-2(CD).

## Protest (not sufficient)

*A protest petition has been filed and is not sufficient to invoke  $\frac{3}{4}$  majority-voting rule.*

The Zoning Committee found this petition to be inconsistent with the *Cherry Small Area Plan* and not reasonable and in the public interest. The Committee also noted that area plans do not contain location criteria for institutional uses. The Committee voted 6-1 recommended **DENIAL** of this petition which included the following modifications:

- Building elevations revised to include a lower roofline, including a break in the roof sections.
  - Increased open space and the rear of the site and “juliette balconies” on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.
  - Modified parking to one-way access for better circulation.
  - Added underground detention.
  - Modified building materials to increase percentages of masonry materials and additional architectural details around the windows.
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- Road construction will now be per the Charlotte Land Development Standards.

Staff does not agree with the recommendation of the Zoning Committee.

Motion: Accept the Zoning committee's recommendation.

Attachment 11

12. **Petition No. 2007-08 (decision) by Lauth Property Group** for a change in zoning of approximately 11.74 acres located on the southwest corner of Moores Chapel Road and Kendall Drive from NS(LLWPA) to NS SPA(LLWPA).

The Zoning Committee found this petition to be consistent with the *General Development Policies* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 12

13. **Petition No. 2007-09 (decision) by Thomas M. and Sara E. Pinion** for a change in zoning of approximately 5.29 acres located on the northwest corner of E. W.T. Harris Boulevard and Demill Lane from R-4 and R-8MF(CD) to INST(CD).

The Zoning Committee found this petition to be inconsistent with the *East Side Strategy Plan* but reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 13

**Deferral**

14. **Petition No. 2007-10 (decision) by Reed Enterprises of CLT** for a change in zoning of approximately 17.06 acres located east of E. W.T. Harris Boulevard at the end of Rockmoor Ridge Road from R-3 to MX-2.

The Zoning Committee recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 14

15. **Petition No. 2007-12 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning of approximately 2.68 acres located on the southwest corner of South

Boulevard and Remount Road from B-2 and I-2 to TOD-M.

The Zoning Committee found this petition to be consistent with the *General Development Policies* and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

**Motion:** Accept the Zoning committee's recommendation.

Attachment 15

## ***HEARINGS***

16. Approve a resolution setting a public hearing for March 19, 2007 at 6:00 PM on the question of historic designation of the "Coffee Cup Soda Grill" and land as an Historic Landmark.

Attachment 16

17. **Petition No. 2006-136 (hearing).** Change in zoning from R-3 to R-8(CD) of approximately 3.8 acres located on Coatbridge Lane south of McLaughlin Drive. ***Petitioner: Richard T. Wynn***

**Protest  
(sufficient)**

***A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.***

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 17

**Deferral**

18. **Petition No. 2006-140 (hearing).** Change in zoning from R-3 to NS of approximately 3.2 acres located on the southwest corner of Prosperity Church Road and Dearmon Road. ***Petitioner: Southern Holdings IV, LLC***

Petitioner is requesting a one-month deferral of this petition.

**Protest  
(sufficient)**

***A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.***

Attachment 18

**Deferral**

19. **Petition No. 2006-142 (hearing).** Change in zoning from INST(CD) to INST(CD) SPA of approximately 19.3 acres located on the south side of Choate Circle west of Moss Road. ***Petitioner: Gordon-Conwell Theological Seminary***

Staff recommends a one-month deferral of this petition.

Attachment 19

20. **Petition No. 2006-154 (hearing).** Change in zoning from B-2 to TOD-M(O) of approximately 0.2 acres located on the west side of South Boulevard between Arlington Avenue and East Palmer Street. *Petitioner: Cram Holdings Group, LLC*

Staff recommends approval of this petition.

Attachment 20

21. **Petition No. 2007-05 (hearing).** Change in zoning from R-4 to UR-2(CD) of approximately 2.59 acres located on the southeast corner of East Woodlawn Road and Rockford Court. *Petitioner: Hulme Repairs, LLC*

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 21

22. **Petition No. 2007-06 (hearing).** Change in zoning from I-1 to NS of approximately 2.83 acres located on the west side of Carowinds Boulevard south of South Tryon Street. *Petitioner: York Development Group*

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 22

23. **Petition No. 2007-15 (hearing).** Change in zoning from B-1SCD to O-3(CD) of approximately 2.29 acres located on the north side of Morrison Boulevard between Adair Court and Roxborough Road. *Petitioner: Trinity Partners*

Staff recommends approval of this petition.

Attachment 23

24. **Petition No. 2007-16 (hearing).** Change in zoning from B-2(CD) to I-2(CD) of approximately 10.56 acres located on the southeast corner of Old Statesville Road and Gibbon Road. *Petitioner: Linder Industrial Machine Company*

Staff recommends denial of this petition.

Attachment 24

**Deferral**

25. **Petition No. 2007-17 (hearing).** Change in zoning from R-3 to MX-2 of approximately 17.81 acres located on the southeast corner of Providence Road West and Old Ardrey Kell Road. *Petitioner: The McAlpine Group, LLC*

Staff recommends a one-month deferral of this petition to allow time to review the recently submitted site plan. (The petitioner has not agreed to a deferral.)

Attachment 25

26. **Petition No. 2007-18 (hearing).** Change in zoning from R-4 and I-1 to B-2(CD) of approximately 5.48 acres located on the northwest corner of Brookshire Boulevard and Oakdale Road. *Petitioner: Robert Spivey*

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 26

**Deferral**

27. **Petition No. 2007-19 (hearing).** Change in zoning from R-3 to MX-1 of approximately 24.59 acres located on the west side of Strawberry Lane, south of Pineville-Matthews Road. *Petitioner: Etalon, LLC*

Staff recommends a one-month deferral of this petition until the time that the petitioner has received a variance from the subdivision ordinance standards.

Attachment 27

28. **Petition No. 2007-20 (hearing).** Change in zoning from I-1(CD) to I-2(CD) of approximately 2.80 acres located on the south side of General Industrial Road, south of Old Concord Road. *Petitioner: James Knuckles, LLC*

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 28

**Deferral  
(no wetlands  
letter)**

29. **Petition No. 2007-22 (hearing).** Change in zoning from I-1(CD) to I-1(CD)SPA of approximately 1.27 acres located on the west side of South Tryon Street between Yancey Road and Orchard Road. *Petitioner: Diamond Point Properties*

The petitioner is requesting a waiver of City Council's policy on the submission of the wetland letter which will allow the public hearing to be held as scheduled.

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 29

30. **Petition No. 2007-23 (hearing).** Change in zoning from I-2 to TOD-M of approximately 0.69 acres located on the north side of New Bern Street between South Boulevard and Foster Avenue. *Petitioner: FMK Architects*

Staff recommends approval of this petition.

Attachment 30

31. **Petition No. 2007-28 (hearing).** Change in zoning from MUDD to TOD-MO of approximately 3.34 acres located on the north side of West Bland Street between Winnifred Street and South Church Street. *Petitioner: The Boulevard at Church and Bland, LLC*

Staff recommends approval of this petition.

Attachment 31

32. **Petition No. 2007-14 (hearing).** Change in zoning from B-1 to TOD-M of approximately 0.65 acres located on the west side of South Boulevard between East Park Avenue and East Kingston Avenue. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff approval of this petition.

Attachment 32

**Appendix: Residential Location and Design Assessment Matrix (G.D.P.)**